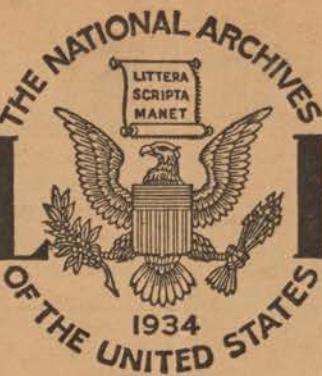


# FEDERAL REGISTER

VOLUME 2

1934

NUMBER 247



Washington, Wednesday, December 22, 1937

## DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Order No. 148]

AN ORDER MODIFYING ORDER NO. 89, AS MODIFIED BY ORDER NO. 126, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER ONE, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 89,<sup>1</sup> as modified by Order No. 126,<sup>2</sup> determined and established the minimum prices of coals of code members produced within District Number One, as set forth in "Price Schedule No. 1—District No. 1", and "Supplement No. 1 to Price Schedule No. 1—District No. 1", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number One, established in "Price Schedule No. 1—District No. 1", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 1", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 1", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number One, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 89 as modified by Order No. 126, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 1 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code

members within District Number One; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

## SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 1

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 1 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 18, 1937.

F. W. McCULLOUGH, Secretary.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

### Size Groups

Base size group	Includes—		
	Lump—Maximum screen sizes	Double screened sizes	
		Maximum top sizes <sup>1</sup>	Maximum bottom sizes <sup>1</sup>
1.	All lump over 4"	Over 6"	4".
2.	4"	6"	4".
3.	3"	6"	3".
4.	2"	6"	2".
5.	1 $\frac{1}{4}$ "	5"	2".
6.		4"	1 $\frac{1}{4}$ ".
7.		2"	1 $\frac{1}{4}$ ".
9.			
12.	Mine run	2" N-S	0".
13.		1 $\frac{1}{4}$ " Slk.	0".
14.		$\frac{5}{8}$ " Slk.	0".

<sup>1</sup> All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

<sup>1</sup> 2 F. R. 2992 (DI).

<sup>2</sup> 2 F. R. 3301 (DI).



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the *FEDERAL REGISTER* will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the *FEDERAL REGISTER* should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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## TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded into trucks or wagons at the mines of Code Members in District No. 1.

Size group:	Price per net ton of 2,000 lbs.
1.	
2	\$2.50
3	2.45
4	2.40
5	2.35
6	2.30
7	2.20
9	2.20
12	1.85
13	1.77
14	1.66

[F. R. Doc. 37-3712; Filed, December 20, 1937; 11:31 a. m.]

[Order No. 149]

AN ORDER MODIFYING ORDER NO. 90, AS MODIFIED BY ORDER NO. 138, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. TWO, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 90,<sup>1</sup> as modified by Order No. 138,<sup>2</sup> determined and established the minimum prices of coals of code members produced within District No. 2, as set forth in "Price Schedule No. 1—District No. 2", and "Supplement No. 1 to Price Schedule No. 1—District No. 2", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District No. 2, established in "Price Schedule No. 1—District No. 2", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 2", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 2", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District No. 2, and shall be effective at 12:01 o'clock A. M., on the 3rd day of January, 1938.

2. That said Order No. 90 as modified by Order No. 138, and as modified herein, shall remain in full force and effect.

<sup>1</sup> 2 F. R. 3010 (DI).

<sup>2</sup> 2 F. R. 3272 (DI).

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 2 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District No. 2; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the **FEDERAL REGISTER**.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

**SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 2**

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 2 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., Jan. 3, 1938.

Issued Dec. 18, 1937.

F. W. McCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

**Size Groups**

Base size group	Includes—		
	Lump—Maximum screen sizes	Double screened sizes	
		Maximum top sizes <sup>1</sup>	Maximum bottom sizes
1.	All Lump over 4"	Over 6"	4"
2.	4"	6"	4"
3.	3"	6"	3"
4.	2"	6"	2"
5.	1 1/4"	5"	2"
6.		4"	1 1/4"
7.		2"	1 1/4"
9.	Mine run.	2' N-S	0'
12.		1 1/2" Slk	0'
13.		3/4" Slk	0'
14.			

<sup>1</sup> All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

**TRUCK MINE PRICES**

Minimum f. o. b. mine prices for coal loaded into trucks or wagons, at the mines of Code Members in District No. 2.

Size group:	Price per net ton of 2,000 lbs.
1.	\$2.60
2.	2.50
3.	2.40
4.	2.40
5.	2.20
6.	2.15
7.	2.10
9.	2.20
12.	1.85
13.	1.77
14.	1.66

[F. R. Doc. 37-3713; Filed, December 20, 1937; 11:32 a. m.]

[Order No. 150]

**AN ORDER MODIFYING ORDER NO. 91, AS MODIFIED BY ORDER NO. 128, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER THREE, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES.**

The National Bituminous Coal Commission having by its Order No. 91,<sup>1</sup> as modified by Order No. 128,<sup>2</sup> determined and established the minimum prices of coals of code members produced within District Number Three, as set forth in "Price Schedule No. 1—District No. 3", and "Supplement No. 1 to Price Schedule No. 1—District No. 3", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Three, established in "Price Schedule No. 1—District No. 3", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 3", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 3", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Three, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 91 as modified by Order No. 128, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 3 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Three; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the **FEDERAL REGISTER**.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

**SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 3**

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 3 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 18, 1937.

F. W. McCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

<sup>1</sup> 2 F. R. 3017 (DI).

<sup>2</sup> 2 F. R. 3308 (DI).

Base size group	Size Groups		
	Includes—		
	Lump—Maximum screen sizes		Double screened sizes
	Maximum top sizes <sup>1</sup>	Maximum bottom sizes <sup>1</sup>	
1.	All Lump Over 4"	Over 6"	4"
2.	4"	6"	4"
3.	3"	6"	3"
4.	2"	6"	2"
5.	1 1/4"	5"	2"
6.		4"	1 1/4"
7.		2"	1 1/4"
9.	Mine run.		
12.		2" N-S	0"
13.		1 1/4" Slik	0"
14.		3/4" Slik	0"

<sup>1</sup> All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

#### TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded in trucks or wagons at the mines of Code Members in District No. 3.

Size group:	Price per net ton of 2,000 lbs.
1.	\$2.40
2.	2.30
3.	2.20
4.	2.20
5.	2.15
6.	2.10
7.	2.05
9.	2.15
12.	1.85
13.	1.77
14.	1.66

[F. R. Doc. 37-3714; Filed, December 20, 1937; 11:32 a. m.]

[Order No. 151]

#### AN ORDER MODIFYING ORDER NO. 92, AS MODIFIED BY ORDER NO. 129, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. FOUR, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 92,<sup>1</sup> as modified by Order No. 129,<sup>2</sup> determined and established the minimum prices of coals of code members produced within District Number Four, as set forth in "Price Schedule No. 1—District No. 4", and "Supplement No. 1 to Price Schedule No. 1—District No. 4", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided;

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Four, established in "Price Schedule No. 1—District No. 4," as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 4," are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 4," filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the

minimum prices of coals of code members within said District Number Four, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 92 as modified by Order No. 129, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 4 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Four; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the *FEDERAL REGISTER*.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

#### SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 4

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 4 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. Jan. 3, 1938.

Issued Dec. 18, 1937.

F. W. McCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

#### Size Groups

Base size group	Includes—		
	Lump—Maximum screen sizes		Double screened sizes
	Maximum top sizes <sup>1</sup>	Maximum bottom sizes <sup>1</sup>	
1.	All Lump Over 4"	Over 6"	4"
2.	4"	6"	4"
3.	3"	6"	3"
4.	2"	6"	2"
5.	1 1/4"	5"	2"
6.		4"	1 1/4"
7.		2"	1 1/4"
9.	Mine run.		
12.		2" N-S	0"
13.		1 1/4" Slik	0"
14.		3/4" Slik	0"

<sup>1</sup> All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

#### TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded into trucks or wagons at the mines of Code Members in District No. 4.

Size group:	Price per net ton of 2,000 lbs.
1.	\$2.40
2.	2.30
3.	2.20
4.	2.15
5.	2.10
6.	2.05
7.	2.05
9.	2.20
12.	1.85
13.	1.77
14.	1.66

[F. R. Doc. 37-3715; Filed, December 20, 1937; 11:32 a. m.]

<sup>1</sup> 2 F. R. 3022 (DI).

<sup>2</sup> 2 F. R. 3257 (DI).

[Order No. 152]

AN ORDER MODIFYING ORDER NO. 94, AS MODIFIED BY ORDER NO. 130, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. SIX, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 94,<sup>1</sup> as modified by Order No. 130,<sup>2</sup> determined and established the minimum prices of coals of code members produced within District Number Six, as set forth in "Price Schedule No. 1—District No. 6", and "Supplement No. 1 to Price Schedule No. 1—District No. 6", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as herein-after provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Six, established in "Price Schedule No. 1—District No. 6", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 6", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 6", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Six, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 94 as modified by Order No. 130, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 6 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Six; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the *FEDERAL REGISTER*.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

**SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 6**

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 6 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued Dec. 18, 1937.

F. W. McCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

<sup>1</sup> 2 F. R. 3029 (DI).

<sup>2</sup> 2 F. R. 3259 (DI).

**Size Groups**

Base size group	Lump—Maximum screen sizes	Includes—	
		Double screened sizes	
1	All lump Over 4"	Over 6"	4"
2	4"	6"	4"
3	3"	6"	3"
4	2"	6"	2"
5	1 1/4"	5"	2"
6		4"	1 1/4"
7		2"	1 1/4"
9		Mine run.	
12		2" N-S.	0"
13		1 1/4" Slk	0"
14		3/4" Slk	0"

<sup>1</sup> All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

**TRUCK MINE PRICES**

Minimum f. o. b. mine prices for coal loaded into trucks or wagons, at the mines of Code Members in District No. 6.

Size group:	Price per net ton of 2,000 lbs.
1	\$2.40
2	2.30
3	2.20
4	2.20
5	2.15
6	2.10
7	2.05
9	2.20
12	1.85
13	1.77
14	1.66

[F. R. Doc. 37-3716; Filed, December 20, 1937; 11:33 a. m.]

[Order No. 153]

AN ORDER MODIFYING ORDER NO. 98, AS MODIFIED BY ORDER NO. 133, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. TEN, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 98,<sup>1</sup> as modified by Order No. 133,<sup>2</sup> determined and established the minimum prices of coals of code members produced within District Number Ten, as set forth in "Price Schedule No. 1—District No. 10," and "Supplement No. 1 to Price Schedule No. 1—District No. 10," and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as herein-after provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Ten, established in "Price Schedule No. 1—District No. 10," as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 10", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 10", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and

<sup>1</sup> 2 F. R. 3056 (DI).

<sup>2</sup> 2 F. R. 3260 (DI).

such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Ten, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 98 as modified by Order No. 133, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 10 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area Two; to code members within District Number Ten; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the *FEDERAL REGISTER*.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

**SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 10**

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 10 Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 3, 1938.

Issued December 18, 1937.

F. W. McCULLOUGH, *Secretary*.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission, shall apply.

**Size Groups**

Group No.	All sizes of coal over 2" and 2 x 1½" to 1" Nut—Sizes of coal	Group No.	All sizes of Coal 2" and under, except 2 x 1½" to 1" Nut—Sizes of coal
1.....	6" Lump and larger. 5" Lump. 4" Lump. 3" Lump. 2" Lump. 8 x 4" Egg. 8 x 3" Egg. 7 x 4" Egg. 7 x 3" Egg.	6.....	1½ x 1" Nut. 1¾" x 1" Nut. 1½ x ¾" Nut. 1¼ x ¼" Nut.
2.....	6 x 4" Egg. 6 x 3½" Egg. 6 x 3" Egg. 5 x 4" Egg. 5 x 3" Egg. 4 x 3" Egg.	7.....	1½ x ¾" to 6 Mesh Nut. 1¾" x ¾" to 6 Mesh Nut.
3.....	1½" Lump. 1¼" Lump. 6 x 2½" Egg. 6 x 2" Egg. 6 x 1½" Egg. 6 x 1¼" Egg. 5 x 2" Egg.	8.....	1 x ¾" to 6 Mesh Nut. ¾ x ¾" to 6 Mesh Nut. 1 x 10 Mesh Washed and Dustless Treated.
4.....	5 x 1½" Egg. 4 x 2" Egg. 4 x 1½" Egg. 4 x 1¼" Egg. 3 x 2" Nut.	9.....	(See Specifications C.) 1½" Washed Screenings. 1¾" Washed Screenings. 1" Washed Screenings. ¾" Washed Screenings.
5.....	3 x 1½" Nut. 3 x 1¼" Nut. 3 x 1" Nut. 3 x ¾" Nut. 2 x 1½" Nut. 2 x 1¼" Nut. 2 x 1" Nut.	10.....	(See Specifications B.) 1½" Modified Screenings. 1¾" Modified Screenings. 1" Modified Screenings. ¾" Modified Screenings.
		11.....	(See Specifications A.) 1½" Screenings (Raw). 1¾" Screenings (Raw).
		12.....	(See Specifications A.) 1" Screenings (Raw). ¾" Screenings (Raw).
		13.....	½" x 10 Mesh (Raw). ¾" x 10 Mesh (Raw).
		14.....	Carbon ¾" or less x 0.
		15.....	Dust 10 Mesh or Smaller x 0.
		16.....	Run of Mine.

**TRUCK MINE PRICES**

Minimum f. o. b. mine prices for coal loaded into trucks or wagons at the mines of Code Members in District No. 10.

Size group:	Price per net ton of 2,000 lbs.
1.....	\$2.20
2.....	2.10
3.....	2.00
4.....	1.90
5.....	1.80
6.....	1.75
7.....	1.70
8.....	1.85
9.....	1.65
10.....	1.50
11.....	1.40
12.....	1.30
13.....	1.55
14.....	.80
15.....	.60
16.....	1.95

[F. R. Doc. 37-3717; Filed, December 20, 1937; 11:33 a. m.]

[Order No. 154]

**AN ORDER MODIFYING ORDER NO. 99, AS MODIFIED BY ORDER NO. 137, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER ELEVEN, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES**

The National Bituminous Coal Commission having by its Order No. 99,<sup>1</sup> as modified by Order No. 137,<sup>2</sup> determined and established the minimum prices of coals of code members produced within District Number Eleven, as set forth in "Price Schedule No. 1—District No. 11", and "Supplement No. 1 to Price Schedule No. 1—District No. 11", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Eleven, established in "Price Schedule No. 1—District No. 11", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 11", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 11", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Eleven, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 99 as modified by Order No. 137, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 11 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area Two; to code members within District Number Eleven; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the

<sup>1</sup> 2 F. R. 3062 (D.I.).

<sup>2</sup> 2 F. R. 3318 (D.I.).

Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 11

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 11 Established Pursuant to the Provision of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 3, 1938.

Issued December 18, 1937.

F. W. McCULLOUGH, Secretary.

Until further order of the Commission prices shown herein are minimum prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

Size Groups

Group No.	All sizes of coal over 2" and 2 x 1 1/2" to 1" Nut—Sizes of coal	Group No.	All sizes of Coal 2" and under, except 2 x 1 1/2" to 1" Nut—Sizes of coal
1.	6" Lump and larger. 5" Lump. 4" Lump. 3" Lump. 2" Lump. 8" x 4" Egg. 8" x 3" Egg. 7" x 4" Egg. 7" x 3" Egg.	6.	1 1/2" x 1" Nut. 1 1/2" x 1" Nut. 1 1/2" x 3/4" Nut. 1 1/2" x 3/4" Nut.
2.	6" x 4" Egg. 6" x 3 1/2" Egg. 6" x 3" Egg. 5" x 4" Egg. 5" x 3" Egg. 4" x 3" Egg.	7.	1 1/2" x 3/4" to 6 Mesh Nut. 1 1/4" x 3/4" to 6 Mesh Nut.
3.	1 1/2" Lump. 1 1/4" Lump. 6" x 2 1/2" Egg. 6" x 2" Egg. 6" x 1 1/2" Egg. 6" x 1 1/4" Egg. 6" x 3/4" Egg. 5" x 2" Egg.	8.	1" x 3/4" to 6 Mesh Nut. 3/4" x 3/8" to 6 Mesh Nut.
4.	5" x 1 1/2" Egg. 4" x 2" Egg. 4" x 1 1/2" Egg. 4" x 1 1/4" Egg. 3" x 2" Nut.	9.	1 1/2" Washed Screenings. 1 1/4" Washed Screenings. 1" Washed Screenings. 3/4" Washed Screenings.
5.	3" x 1 1/2" Nut. 3" x 1 1/4" Nut. 3" x 1" Nut. 3" x 3/4" Nut. 2" x 1 1/2" Nut. 2" x 1 1/4" Nut. 2" x 1" Nut.	10.	1 1/2" Modified Screenings. 1 1/4" Modified Screenings. 1" Modified Screenings. 3/4" Modified Screenings.
		11.	1 1/2" Screenings (Raw). 1 1/4" Screenings (Raw).
		12.	1" Screenings (Raw). 3/4" Screenings (Raw).
		13.	5/8" x 10 Mesh (Raw). 3/8" x 10 Mesh (Raw).
		14.	Carbon 3/8" or less x 0.
		15.	Mine Run.

TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded into trucks, or wagons, at the mines of Code Members in District No. 11, except those of Brazil Block Coals.

Size group:	Price per net ton of 2,000 lbs.
1.	\$2.40
2.	2.30
3.	2.20
4.	2.10
5.	2.00
6.	2.00
7.	2.00
8.	2.00
9.	1.90
10.	1.80
11.	1.70
12.	1.60
13.	1.70
14.	1.00
15.	2.00

TRUCK MINE PRICES

Minimum f. o. b. mine prices for Brazil Block Coals loaded into trucks or wagons at the mines of Code Members in District No. 11.

Size group:	Price per net ton of 2,000 lbs.
1.	\$2.65
2.	2.55
3.	2.45
4.	2.35
5.	2.25
6.	2.15
7.	2.15
8.	2.15
9.	1.95
10.	1.85
11.	1.75
12.	1.15
13.	2.10

[F. R. Doc. 37-3718; Filed, December 20, 1937; 11:33 a. m.]

[Order No. 155]

AN ORDER MODIFYING ORDER NO. 100, AS MODIFIED BY ORDER NO. 134, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER TWELVE, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES

The National Bituminous Coal Commission having by its Order No. 100,<sup>1</sup> as modified by Order No. 134,<sup>2</sup> determined and established the minimum prices of coals of code members produced within District Number Twelve, as set forth in "Price Schedule No. 1—District No. 12", and "Supplement No. 1 to Price Schedule No. 1—District No. 12", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Twelve, established in "Price Schedule No. 1—District No. 12", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 12", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 12", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District Number Twelve, and shall be effective at 12:01 o'clock A. M., on the third day of January, 1938.

2. That said Order No. 100 as modified by Order No. 134, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 12 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area Two; to code members within District Number Twelve; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 18th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

<sup>1</sup> 2 F. R. 3068 (DI).

<sup>2</sup> 2 F. R. 3264 (DI).

SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT  
No. 12

Supplemental Schedule of Minimum Prices for Coals of Code Members Produced within District No. 12, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 18, 1937.

F. W. McCULLOUGH, Secretary.

Until further order of the Commission prices shown herein are Minimum Prices for coal loaded in trucks or wagons at the mines of all Code Members.

The Marketing Rules and Regulations as well as other conditions contained in Minimum Price Schedule No. 1 and Supplements thereto as promulgated by the National Bituminous Coal Commission shall apply.

## Size Groups

Size group number:	Size
1	6" Chunk and Larger. Std. Lump and Furnace.
2	2" Lump. 8" x 4". 6" x 4". 6" x 3".
3	Egg or Range. 8" x 2". 6" x 2".
4	Small Egg. 4" x 2". 3" x 1 1/2".
5	Run of Mine.
6	Nut. 2" x 1 1/2". 1 1/4" x 3/4".
7	Stoker. 1 1/4" to 1" x 10 Mesh.
8	Screenings. 2"-1 1/2"-1 1/4"-1". 3/4"-0".

SCHEDULE OF SUB-DISTRICTS FOR THE PURPOSE OF ESTABLISHING  
MINIMUM PRICES, THE DISTRICT IS DIVIDED INTO THE FOLLOW-  
ING SUB-DISTRICTS

Sub-district:	Name of county
1	Appanoose. Wayne. Davis. Jefferson. Keokuk. Lucas.
2	Mahaska. Marion. Monroe. Van Buren. Wapello. Boone. Dallas. Greene.
3	Guthrie. Jasper. Polk. Webster. Warren. Page. Adams. Taylor.
4	

## TRUCK MINE PRICES

Minimum f. o. b. mine prices for coal loaded into trucks or wagons at the mines of code members in District No. 12.

## Price per Net Ton of 2,000 Pounds

	Sub-district 1	Sub-district 2	Sub-district 3	Sub-district 4
1	\$2.95	\$3.10	\$3.90	\$3.80
2	2.85	3.00	3.80	3.70
3	2.75	2.90	3.70	3.60
4	2.70	2.80	3.60	3.50
5	2.85	2.70	3.00	3.70
6	2.75	2.75	3.25	3.50
7	2.75	2.80	3.25	3.50
8	2.05	2.05	2.20	2.50

[F. R. Doc. 37-3719; Filed, December 20, 1937; 11:34 a. m.]

[Order No. 157]

AN ORDER TEMPORARILY REVISING THE SCHEDULE OF PRICES ESTABLISHED FOR DISTRICTS NOS. 7 AND 8, IN SO FAR AS THE SAME RELATE TO HIGH VOLATILE COALS PRODUCED BY CERTAIN MINES WITHIN SAID DISTRICTS HAVING A FREIGHT RATE INTO MARKET AREAS 40, 41 AND 42 EQUAL TO THE POCOHONTAS FREIGHT RATE INTO SAID MARKET AREAS FOR OFF-LINE RAILROAD LOCOMOTIVE FUEL

Chafin-Jones Heatherman Coal Company, et al., having on the 17th day of December, 1937, filed a petition with the National Bituminous Coal Commission, pursuant to the provisions of Section 4, Part II (d) of the Act, alleging dissatisfaction with certain of the minimum prices established for coals of code members within Districts No. 7 and No. 8, and praying for immediate and temporary relief as therein set forth by preliminary or temporary order pending final disposition of such petition, and it appearing to the Commission that petitioners have made reasonable showing of necessity for the granting of the temporary relief prayed for therein.

Now, therefore, the National Bituminous Coal Commission pursuant to the provisions of subsection (d) of Part II of Section 4 of the Bituminous Coal Act of 1937 hereby orders:

1. That pending final disposition of the aforesaid petition, and until further order of the Commission, the schedules of minimum prices for coals of code members produced within Districts No. 7 and No. 8, and any and all supplements thereto, established for said districts, be and the same hereby are modified and revised to contain the following provision as if the same were fully set forth therein:

"High volatile mines in District No. 7 and District No. 8 taking the New River Pocahontas Freight rate, or rate equal thereto, for shipments to destinations in Market Areas 40, 41 or 42, shall increase the established minimum off-line locomotive fuel prices by ten cents (10¢) per ton when for consignment to off-line railroads in Market Areas 40, 41 or 42. The foregoing provision shall supersede any other provision contained herein to the contrary notwithstanding."

2. That except as herein temporarily revised, the minimum price schedules and supplements thereto, established for Districts No. 7 and No. 8, shall remain in full force and effect.

3. That the Secretary of the Commission shall, forthwith, mail copies of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards for the districts within Minimum Price Area No. 1 and to code members within Districts No. 7 and No. 8; shall cause a copy of this order to be made available for inspection by all interested parties at the office of the Secretary of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 37-3736; Filed, December 21, 1937; 11:39 a. m.]

[Order No. 158]

AN ORDER AMENDING AND CORRECTING ORDER NO. 100 BY STRIKING THEREFROM THE PHRASE "SET OPPOSITE THE NAMES OF CODE MEMBERS AND THEIR RESPECTIVE MINES"

## DISTRICT NO. 12

The National Bituminous Coal Commission having by its Order No. 100,<sup>1</sup> as modified by its Orders Nos. 134<sup>2</sup> and 155,<sup>3</sup> determined and established the minimum prices for coals of code members produced within District No. 12, and it appearing that the phrase "set opposite the names of code members and their respective mines" contained in said Order

<sup>1</sup> 2 F. R. 3068 (DI).

<sup>2</sup> 2 F. R. 3264 (DI).

<sup>3</sup> 2 F. R. 3381 (DI).

No. 100 might be misleading and that it should therefore be deleted from said order.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the said Order No. 100 be and the same hereby is modified by striking therefrom the phrase "set opposite the names of code members and their respective mines" in the second and third lines of paragraph numbered 1 on page 3 thereof.

2. That the said Order No. 100, as modified by Orders No. 134 and No. 155 and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall, forthwith, mail copies of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area Two and to code members within District Number Twelve; shall cause copies of this order to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the *FEDERAL REGISTER*.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3728; Filed, December 21, 1937; 11:36 a. m.]

[Order No. 159]

AN ORDER MODIFYING ORDER NO. 89, AS MODIFIED BY ORDERS NOS. 126 AND 148, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER ONE, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES. TO BE KNOWN AS "SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1—DISTRICT NO. 1"

The National Bituminous Coal Commission having by its Order No. 89, as modified by Orders Nos. 126 and 148, determined and established the minimum prices of coals of code members produced within District Number One, as set forth in "Price Schedule No. 1—District No. 1", as supplemented by Supplements No. 1 and No. 2, and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid schedule and

supplements by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number One, established in "Price Schedule No. 1—District No. 1", as supplemented by "Supplements No. 1 and No. 2 to Price Schedule No. 1—District No. 1", are hereby further supplemented as set forth in "Supplement No. 3 to Price Schedule No. 1—District No. 1", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 3, shall be and hereby are determined and established as the minimum prices of coals of code members within District Number One, and shall be effective at 12:01 o'clock A. M., on the fifth day of January, 1938.

2. That said Order No. 89 as modified by Orders Nos. 126 and 148, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 3 to Price Schedule No. 1—District No. 1 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number One; shall cause copies of this order and said Supplement No. 3 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the *FEDERAL REGISTER*.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 1

Supplemental Schedule of Minimum Prices for By-Product Coals of Code Members Produced within District No. 1, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 5, 1938.

Issued December 20, 1937.

F. W. McCULLOUGH, *Secretary*.

By-Product Prices (All Sizes)—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below

MARKET AREAS (LISTED BELOW)

Index	1-A outside capes	1-A inside capes	1	2	4	6	7	8	9	10	11 and west <sup>1</sup>	12 and 13
A	235	235	235	235	235	235	235	235	235	235	205	235
B	235	235	235	235	235	235	235	235	235	235	205	235
C	235	235	235	235	235	235	235	235	235	235	205	235
C1	235	235	235	235	235	235	235	235	235	235	205	235
C2	235	235	235	235	235	235	235	235	235	235	205	235
D	222	222	237	237	230	220	215	215	225	215	205	215
E	222	222	237	237	230	220	215	215	225	215	205	215
F	222	222	237	237	230	220	215	215	225	215	205	215

<sup>1</sup> Includes Areas Nos. 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 104, 105, 106, 107, 108, 109, 110, 111, and 112.

NOTE.—The prices in these areas are net F. O. B. mines with no freight rate adjustment to be made.

[F. R. Doc. 37-3730; Filed, December 21, 1937; 11:38 a. m.]

[Order No. 160]

AN ORDER MODIFYING ORDER NO. 90, AS MODIFIED BY ORDERS NOS. 138 AND 149, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. 2, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES, TO BE KNOWN AS "SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1—DISTRICT NO. 2"

The National Bituminous Coal Commission having by its Order No. 90, as modified by Orders Nos. 138 and 149, determined and established the minimum prices of coals of code members produced within District No. 2, as set forth in "Price Schedule No. 1—District No. 2", as supplemented by "Supplements No. 1 and No. 2", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid schedule and supplements by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress, entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District No. 2, established in "Price Schedule No. 1—District No. 2", as supplemented by "Supplements No. 1 and No. 2 to Price Schedule No. 1—District No. 2", are hereby further supplemented as set forth in "Supplement No. 3 to Price Schedule No. 1—District No. 2", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No.

3, shall be and hereby are determined and established as the minimum prices of coals of code members within District No. 2, and shall be effective at 12:01 o'clock A. M., on the 5th day of January, 1938.

2. That said order No. 90 as modified by Orders Nos. 138 and 149, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and "Supplement No. 3 to Price Schedule No. 1—District No. 2" to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District No. 2; shall cause copies of this order and said Supplement No. 3 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the *FEDERAL REGISTER*.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 2

Supplemental Schedule of Minimum Prices for By-Product, Retort and Water Gas Coals of Code Members Produced within District No. 2, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 5, 1938.

Issued December 20, 1937.

F. W. McCULLOUGH, *Secretary*.

*By-Product, Retort and Water Gas—Price Index*

CONNELLSVILLE PT. MARION DISTRICT

Company	Mine	Seam	Size group numbers			
			17	18	19	20
Abruzzi Coal Company	Abruzzi	Pittsburgh				
Abruzzi Coal Company	Winsted	Pittsburgh				
Ainsley Coal Company	Geneva	Pittsburgh				
Bitner Coal Company	Bitner	Pittsburgh				
Brennen, Geo. K.	Myers	Pittsburgh	O	O	O	
Bortz Coal Company	Central	Pittsburgh	O	O	O	
Bortz Coal Co.	Stambaugh	Pittsburgh	O	O	O	
Commodore C & C Co.	Oliver #2	Pittsburgh	O	O	O	
Commodore C & C Co.	Oliver #4	Pittsburgh	O	O	O	
Crawford C & C Co.	Crawford #1	Pittsburgh	O	O	O	
Crawford C & C Co.	Donald #2	Pittsburgh	O	O	O	
Davidson-Conn'l. C & C Co.	Frederick #1	Pittsburgh				
Fancy Hill Coal Co.	Eagle	Pittsburgh				
Faywest Coal Co.	Crawford #2	Pittsburgh				
Faywest Coal Co.	Crawford #3	Pittsburgh	O	O	O	
Faywest Coal Co.	Crawford #4	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Bridgeport	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Colonial #1	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Colonial #3	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Colonial #4	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Crossland	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Dearth	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Edenborn	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Filbert	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Footdale	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Gates	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Kyle	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Lambert	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Leekrone	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Maxwell	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Palmer	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Phillips	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Ralph	Pittsburgh	O	O	O	
Frick Coke Co., H. C.	Reno	Pittsburgh	O	O	O	
Hays, J. M. Coal Co.	Mammoth	Pittsburgh	O	O	O	
Hecla Coal & Coke Co.	Griffin #2	Pittsburgh	O	O	O	
Hillman Coal & Coke Co.	Pike	Pittsburgh	O	O	O	
Humphreys C & C Co. (W.)	Humphreys	Pittsburgh	O	O	O	
Jamison C & C Co.	Jamison #20	Pittsburgh	O	O	O	
Kendall Coal Co.	Kendall #1	Pittsburgh	O	O	O	
Kendall Coal Co.	Kendall #2-4	Pittsburgh	O	O	O	
Kendall Coal Co.	Puritan #2	Pittsburgh	O	O	O	
King Coal Co.	Chambers	Pittsburgh	O	O	O	
King Coal Co.	King	Pittsburgh	O	O	O	
Lemont C & C Co., Inc.	Lemont #2	Pittsburgh	O	O	O	
Lemont C & C Co., Inc.	Continental #1	Pittsburgh	O	O	O	
Lincoln C & C Co.	Lincoln	Pittsburgh	O	O	O	
Martin Mining Co.	Martin	Pittsburgh	O	O	O	
Old Home Fuel Co.	Snider #2	Pittsburgh	O	O	O	
Old Basin By-Prod. C Co.	Mutual	Pittsburgh	O	O	O	

W—Washed or mechanically cleaned, either wholly or in part.

## By-Product, Retort and Water Gas—Price Index—Continued

## CONNELLSVILLE PT. MARION DISTRICT—Continued

Company	Mine	Seam	Size group numbers			
			17	18	19	20
Penn Coal, Inc.	Brownsville Jct.	Pittsburgh	O	C	C	E
Pittsburgh & Erie Coal Co.	Summer #4	Pittsburgh	O	C	C	E
Rainey, Inc. W. J.	Allison	Pittsburgh	O	C	C	D
Rainey, Inc., W. J.	Royal	Pittsburgh	O	C	C	C
Republic Steel Corp.	Brownsville Jct.	Pittsburgh	O	C	C	C
Republic Steel Corp.	Davidson	Pittsburgh	O	C	C	C
Republic Steel Corp.	Republic	Pittsburgh	O	C	C	C
Republic Steel Corp.	Trotter	Pittsburgh	O	C	C	C
Shannopin Coal Co.	Shannopin	Pittsburgh	O	C	C	E
South Fayette Coal Co.	Melrose	Pittsburgh	O	C	C	C
South Union Coal Co.	South Union #1-2	Pittsburgh	O	C	C	C
Weirton Coal Co.	Isabella	Pittsburgh	O	C	C	C
Yough-C'ville C & C Co.	Lemon #1	Pittsburgh	O	C	C	C

## GREENSBURG

Jamison C & C Co. (W)	Jamison	Pittsburgh				C
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## PANHANDLE—AVELLA DISTRICT

Canonsburg Coal Co. (W)	Hazel	Pittsburgh	O	A	A	
Carnegie Coal Co.	McDonald	Pittsburgh	O	C	C	
Chartiers Gas Coal Co.	Magnolia	Pittsburgh	O	C	C	
Clinton Block Coal Co.	Clinton #1	Pittsburgh	O	A	A	
Henderson Coal Co.	Henderson #1	Pittsburgh	O	C	C	
Lincoln Gas Coal Co. (W)	Lincoln	Pittsburgh	O	C	C	
McClane Mng. Co.	Rich Hill	Pittsburgh	O	C	C	
McLean Coal Co.	Vulcan	Pittsburgh	O	C	C	
National Mng. Co.	National #1	Pittsburgh	O	C	C	
National Mng. Co.	National #3	Pittsburgh	O	C	C	
Pittsburgh Coal Co.	Champion #1	Pittsburgh	O	A	A	
Pittsburgh Coal Co.	Midland	Pittsburgh	O	A	A	
Pittsburgh Coal Co.	Montour #10	Pittsburgh	B	B	B	A <sup>1</sup>
Pittsburgh Coal Co.	Lindley	Pittsburgh	O	A	A	
Pittsburgh Coal Co.	Moon Run	Pittsburgh	O	C	C	
Pittsburgh Coal Co.	Terminal #2	Pittsburgh	O	C	C	
Pittsburgh Terminal C. Corp.	Terminal #3	Pittsburgh	O	C	C	
Pittsburgh Terminal C. Corp.	Terminal #4	Pittsburgh	O	C	C	
Pittsburgh Terminal C. Corp.	Terminal #8	Pittsburgh	B	A	A	A <sup>2</sup>
Pittsburgh Terminal C. Corp. (W)	Rea	Pittsburgh	O	C	C	
Rea Coal Corp.	Morris	Pittsburgh	O	C	C	
Weise, Paul H.	Piney Fork	Pittsburgh	O	C	C	
Weise, Paul H.	Tyler	Pittsburgh	O	C	C	
Washington Gas Coal Corp.	Enterprise	Pittsburgh	O	C	C	
Youghiogheny & Ohio C. Co.						

## THICK FREEPORT

Consumers Mining Co.	Harmar	D. Freeport				
Ford Collieries Co.	Berry #3	T. Freeport				E
Ford Collieries Co.	Francis #2	T. Freeport				E
Hillman Coal & Coke Co.	Oakmont	T. Freeport				E
McKeesport Coal & C. Co. (W)	Hubbard	T. Freeport		A	A	E
Republic Steel Co.	Indianola	T. Freeport				E
Republic Steel Co.	Russellton	T. Freeport				E
Union Collieries Co. (W)	Renton #3	T. Freeport		A	A	E

## YOUNGHIOGHENY-WESTMORELAND

Bickerton, Mark C.	Blaine	Pittsburgh	O	C	C	
Buckeye Coal Company	Nemacolin	Pittsburgh	O	C	C	C
Cardiff Coal Company	Keystone Shaft	Pittsburgh	O	C	C	E
Carr Coal Co., John	Edna #1	Pittsburgh	O	C	C	E
Charmont Coal Company	Johnson	Pittsburgh	O	C	C	C
Crucible Fuel Co.	Crucible	Pittsburgh	O	C	C	C
Elizabeth Coal Company	Patterson	Pittsburgh	O	C	C	C
Emerald Coal Company	Emerald	Pittsburgh	B	B	B	C
Hillman C. & C. Co.	Edna #2	Pittsburgh	B	B	C	C
Hillman C. & C. Co.	Gibson	Pittsburgh	B	B	B	E
Hillman C. & C. Co. (W)	Naomi	Pittsburgh	O	A	A	D
Howard Gas Coal Co.	Louise #1-2	Pittsburgh	O	C	C	
Irwin Gas Coal Co.	Irwin #3	Pittsburgh	O	C	C	
Irwin Gas Coal Co.	Irwin #4	Pittsburgh	O	C	C	
Lilley Mining Co.	Lilley	Pittsburgh	B	B	B	D
Lower Gas Coal Co.	Fayette	Pittsburgh	O	C	C	D
Lyons Run Coal Co.	Lyons Run	Pittsburgh	O	C	C	E
Matter Collieries	Mather	Pittsburgh	O	C	C	D
Montour Collieries Co.	Montour #1	Pittsburgh	O	C	C	
Montour Collieries Co.	White Valley	Pittsburgh	O	C	C	
Ocean Fuel Co.	Ocean	Pittsburgh	O	C	C	
Ontario Gas Coal Co.	Ontario	Pittsburgh	B	B	B	D
Pittsburgh Coal Co.	Arnold	Pittsburgh	O	C	C	E
Pittsburgh Coal Co.	Banning #1	Pittsburgh		A	A	B
Pittsburgh Coal Co.	Banning #2	Pittsburgh		A	A	B
Pittsburgh Coal Co.	Champion #6	Pittsburgh		A	A	B
Pittsburgh Coal Co.	Crescent #1	Pittsburgh	B	B	B	D
Pittsburgh Coal Co.	Crescent #2	Pittsburgh	B	B	B	E
Pittsburgh Coal Co.	Euclid	Pittsburgh	O	C	C	

W—Washed or mechanically cleaned, either wholly or in part.

<sup>1</sup> 2" Lump.<sup>2</sup> Egg and Nut.

By-Product, Retort and Water Gas—Price Index—Continued  
YOUGHIOGHENY-WESTMORELAND—Continued

Company	Mine	Seam	Size group numbers			
			17	18	19	20
Pittsburgh Coal Co.	Eureka	Pittsburgh	C	C	C	E
Pittsburgh Coal Co.	Ocean	Pittsburgh	B	B	B	D
Pittsburgh Coal Co.	Somers	Pittsburgh	C	C	C	E
Pittsburgh Coal Co.	Warden	Pittsburgh	B	A	A	A
Pittsburgh Coal Co.	Mongah	Pittsburgh	C	C	C	E
Rainey, Inc., W. J.	Clyde #1	Pittsburgh	B	B	B	C
Rainey, Inc., W. J.	Clyde #2	Pittsburgh	B	B	B	C
Rainey, Inc., W. J.	Clyde #3	Pittsburgh	B	B	B	C
Seehart Coal Co.	Seehart	Pittsburgh	C	C	C	E
Tremont Coal Co.	Tremont		C	C	C	D
Valley Camp Coal Co.	Soudan	Pittsburgh	B	B	B	E
Vesta Coal Co.	Vesta #4	Pittsburgh	C	C	C	C
Vesta Coal Co.	Vesta #5	Pittsburgh	C	C	C	C
Vesta Coal Co.	Vesta #6	Pittsburgh	C	C	C	C
Wilson Gas Coal Co.	Wilson	Pittsburgh	B	B	B	D
Westmoreland Coal Co.	Adams	Pittsburgh	C	C	C	E
Westmoreland Coal Co.	Biddle	Pittsburgh	C	C	C	E
Westmoreland Coal Co.	Export #1-2	Pittsburgh	B	B	B	E
Westmoreland Coal Co. (W.)	Hutchison	Pittsburgh	C	A	A	B
Westmoreland Coal Co.	Magee	Pittsburgh	C	C	C	D
Westmoreland Coal Co.	Marchand	Pittsburgh	B	B	B	E
Westmoreland Coal Co.	McCullough	Pittsburgh	C	C	C	E
Westmoreland Coal Co.	Riley	Pittsburgh	B	B	B	D
Youghiogheny & Ohio Coal Co.	Charleroi	Pittsburgh	B	B	B	E
Youghiogheny & Ohio Coal Co.	Osborne #1-2	Pittsburgh	C	C	C	C

W—Washed or mechanically cleaned, either wholly or in part.

\* Minus 2" coal takes "C" classification.

\* Minus 2" coal takes "D" classification.

## SIZE GROUPS

## For Retort and Water Gas

17. Lump larger than 2" and Egg 3" x 5" and over, either top or bottom size.

18. 2" Lump and Egg 5" and under top size and 2" or under bottom size.

## 19. 1 1/4" Lump or under.

## For By-Product

20. Mine Run (unless otherwise indicated on mine index page).

## By-Product Prices—Run of Mine Coal (Unless Otherwise Indicated in Price Index) Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below

Index	1-A outside capes	1-A inside capes	1	2	4	6	7	8	9	10	11 and west <sup>1</sup>	12 and 13
A	205	220	220	220	220	220	220	220	230	220	205	220
B	200	215	215	215	220	215	225	215	215	210	200	215
C	195	210	210	210	210	215	210	210	220	210	195	210
D	190	205	205	205	205	210	205	205	215	205	190	205
E	185	200	200	200	200	205	200	200	210	200	185	200

<sup>1</sup> Includes: 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 104, 105, 106, 107, 108, 109, 110, 111, and 112.

## Basis for Freight Rate Adjustment for By-Product

[Order No. 161]

## Designated base rate.—Pittsburgh District.

Rates higher than base.—On shipments destined within the above named Market Areas the minimum f. o. b. mine price may be reduced by an amount in cents per net ton (not in excess of 35¢) sufficient to equalize the actual freight rate with the Pittsburgh District base rate indicated above.

Rates lower than base.—Where the applying freight rate is less than the Pittsburgh District base rate designated above the minimum f. o. b. mine price shall be increased by an amount in cents per net ton sufficient to equalize the actual freight rate with such base rate; provided that the amount of such increase may be limited to a maximum of 35¢.

## Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas—Coal for Vertical and Horizontal Retort Plants and Water Gas Plants

Mines indexed	Size groups		
	# 17-4" Lump, 4" x 6" 3" x 6"	# 18-2" Lump, 2" x 4" 1 1/4" x 4"	# 19-1 1/4" Lump
A	235	230	220
B	235	225	215
C	230	220	210

<sup>1</sup> "A" Classification 2" Lp. takes "B" Classification Price.

NOTE 1.—Mine Run and 4" and under resultant coal for retort gas use shall take Index schedule and prices for by-product coal.

NOTE 2.—Above prices are per net ton f. o. b. mines based on Pittsburgh District freight rate.

[F. R. Doc. 37-3729; Filed, December 21, 1937; 11:37 a. m.]

AN ORDER MODIFYING ORDER NO. 91, AS MODIFIED BY ORDERS NOS. 128 AND 150, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER THREE, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES, TO BE KNOWN AS "SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1—DISTRICT NO. 3"

The National Bituminous Coal Commission having by its Order No. 91, as modified by Orders Nos. 128 and 150, determined and established the minimum prices of coals of code members produced within District Number Three, as set forth in "Price Schedule No. 1—District No. 3", as supplemented by "Supplements No. 1 and No. 2", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid schedule and supplements by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Three, established in "Price Schedule No. 1—District No. 3", as supplemented by "Supplements No. 1 and No. 2 to Price Schedule No. 1—District No. 3", are hereby further supplemented as set forth in "Supplement No. 3 to Price Schedule No. 1—District No. 3", filed this day in the office of the Secretary of the Commission

and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 3, shall be and hereby are determined and established as the minimum prices of coals of code members within District Number Three, and shall be effective at 12:01 o'clock A. M., on the fifth day of January, 1938.

2. That said order No. 91 as modified by Orders Nos. 128 and 150, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and "Supplement No. 3 to Price Schedule No. 1—District No. 3" to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Three; shall cause copies of this order and said Supplement No. 3 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the *FEDERAL REGISTER*.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

*By-Product Prices (All Sizes)—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*

MARKET AREAS

Index	1-A outside capes	1-A inside capes	1	2	4	6	7	8	9	10	11 and west <sup>1</sup>	12
A (Sewell)	210	225	225	225	225	225	225	210	220	210	210	225
D (Low Sulphur)	195	210	210	210	195	215	210	195	205	195	195	210

<sup>1</sup> Includes: Market Areas 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 104, 105, 106, 107, 108, 109, 110, 111, and 112.

NOTE.—The prices in these areas are net, F. O. B. mines with no freight rate adjustments to be made.

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas—Coal for Vertical and Horizontal Retort Plants and Water Gas Plants*

Mines Indexed	Size groups		
	#17—4"	#18—2"	#19—1½"
A	245	240	230
D	230	220	210

NOTE 1.—Mine Run and 4" and under resultant coal for retort gas use shall take index schedule and prices for by-product coal.

NOTE 2.—Above prices are per net ton f. o. b. mines based on Fairmont District freight rate.

[F. R. Doc. 37-3734; Filed, December 21, 1937; 11:39 a. m.]

[Order No. 163]

**AN ORDER MODIFYING ORDER NO. 95, AS MODIFIED BY ORDER NO. 131, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. 7, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES**

The National Bituminous Coal Commission having by its Order No. 95, as modified by Order No. 131, determined and established the minimum prices of coals of code members produced within District No. 7, as set forth in "Price Schedule No. 1—District No. 7", and "Supplement No. 1 to Price Schedule No. 1—District No. 7", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided.

SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1 FOR DISTRICT No. 3

Supplemental Schedule of Minimum Prices for By-Product, Retort and Water Gas Coals of Code Members Produced within District No. 3, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 5, 1938.  
Issued December 20, 1937.

F. W. McCULLOUGH, *Secretary*.

SIZE GROUPS

For Retort and Water Gas

17. Lump larger than 2" and Egg 3" x 5" and over, either top or bottom size.

18. 2" Lump and Egg 5" and under top size and 2" or under bottom size.

19. 1½" Lump or under.

For By-Product

20. Mine Run (unless otherwise indicated on mine index page).

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District No. 7, established in "Price Schedule No. 1—District No. 7", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 7", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 7", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District No. 7, and shall be effective at 12:01 o'clock A. M., on the 5th day of January, 1938.

2. That said Order No. 95 as modified by Order No. 131, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 7 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District No. 7; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the *FEDERAL REGISTER*.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

## SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 7

Supplemental Schedule of Minimum Prices for By-Product, Retort and Water Gas Coals of Code Members Produced within District No. 7, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 5, 1938.

Issued December 20, 1937.

F. W. McCULLOUGH, Secretary.

*High Volatile Mines—By-Product, Retort and Water Gas—Base Size Groups*

*Sizes*

Group No. 17. All Lump in excess of 2" bottom size.

All chunks, and any egg 3" x 5" and over either top or bottom size.

Group No. 18. All 2" Lump; and Egg 5" and under top size and 2 1/4" and under bottom size.

Group No. 19. All Lump under 2" bottom size, including screened mine run.

All Stove and Nut sizes less than 3" top size.

Group No. 20. Straight mine run; Resultants; Nut and Slack; and Screenings.

*By-Product, Retort and Water Gas—Price Index*

Company	Mine	Seam	Size group numbers			
			17	18	19	20
Carter Coal Co.	Seaboard	Lower Seaboard	A	A	A	
Gauley Mountain Coal Co.	Anstead	#2 Gas	A	A	A	A
Gauley Mountain Coal Co.	Rich Creek	Coalburg	A	A	A	
Koppers Coal Co.	Beards Fork	#2 Gas	A	A	A	A
Koppers Coal Co.	Ingram Branch	Eagle	A	A	A	A
Koppers Coal Co.	Long Branch	Eagle	A	A	A	A
Koppers Coal Co.	Midvale	#2 Gas	A	A	A	A
Loup Creek Coal Co.	Loup Creek	Eagle	A	A	A	A
Mill Creek Coal Co.	Mill Creek #2	No. 2 Gas	A	A	A	A
Vera, Pocahontas Coal Co.	Vera #1	Big Eagle	A	A	A	C

*Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas Subject to Exceptions Stated Below*

Size groups	Price index				
	A	B	C	D	E
17	245	240	235	230	225
18	235	230	225	220	215
19	225	220	215	210	205
20	215	210	205	200	195

*Exceptions*

Mines having freight rates applying for shipment into the market areas shown below, which are lower or higher as the

*Low Volatile By-Product Prices (All Sizes)—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below*

Index	MARKET AREAS (LISTED BELOW)												
	1 All rail and tidewater	1-A	2	4	6	7	8	9	10	11 and West <sup>1</sup>	12	69	
A	215	215	215	175	175	175	215	215	175	215	175	190	
B	210	210	210	170	170	170	210	210	170	210	170	185	
C	205	205	205	165	165	165	205	205	165	205	165	180	
D	200	200	200	160	160	160	200	200	160	200	160	175	

<sup>1</sup> Includes: 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 104, 105, 106, 107, 108, 109, 110, 111, and 112.

NOTE.—The prices in these areas are net f. o. b. mines with no freight rate adjustments to be made.

[F. R. Doc. 37-3735; Filed, December 21, 1937; 11:39 a. m.]

[Order No. 164]

**AN ORDER MODIFYING ORDER NO. 96, AS MODIFIED BY ORDER NO. 132, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. 8, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES**

The National Bituminous Coal Commission having by its Order No. 96, as modified by Order No. 132, determined and established the minimum prices of coals of code members produced within District No. 8, as set forth in "Price Schedule No. 1—District No. 8", and "Supplement No. 1 to Price Schedule No. 1—District No. 8", and having determined that

the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid price schedule and supplement by a further supplement as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District No. 8, established in "Price Schedule No. 1—District No. 8", as supplemented by "Supplement

No. 1 to Price Schedule No. 1—District No. 8", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 8", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within said District No. 8, and shall be effective at 12:01 o'clock A. M., on the 5th day of January, 1938.

2. That said Order No. 96 as modified by Order No. 132, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Supplement No. 2 to Price Schedule No. 1—District No. 8 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District No. 8; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

**SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 8**

Supplemental Schedule of Minimum Prices for By-Product, Retort and Water Gas Coals of Code Members Produced in District No. 8 Established Pursuant to the Provisions of the Bituminous Coal Act of 1937.

Effective 12:01 A. M. January 5, 1938.

Issued December 20, 1937.

F. W. McCULLOUGH, Secretary.

**By-Product, Retort, and Water Gas—Base Size Groups**

Group No. 17. All Lump in excess of 2" bottom size.

All Chunks and any Egg 3" x 5" and over, either top or bottom size.

Group No. 18. All 2" Lump and Egg 5" and under top size and 2 1/4" and under bottom size.

Group No. 19. All Lump under 2" bottom size including screened Mine Run.  
All Stove and Nut sizes less than 3" top size.

Group No. 20. Straight Mine Run; Resultants, Nut and Slack; and Screenings.

**By-Product, Retort and Water Gas (Size Groups 17, 18, 19, 20 only)—Prices in Cents Per Net Ton of 2,000 Pounds for Shipment Into All Market Areas, Subject to Exceptions Stated Below**

Size groups	Price index				
	A	B	C	D	E
17.	245	240	235	230	225
18.	235	230	225	220	215
19.	225	220	215	210	205
20.	215	210	205	200	195

**Exceptions**

Mines having freight rates applying for shipment into the market areas shown below, which are higher than the base rate indicated for such areas may reduce the price applicable to the size and grade of coal shipped by an amount equal to such differential but in no case in excess of twenty (20¢) cents per net ton. No absorption is permitted into areas not specifically excepted.

Market Areas 1, 1A, 2, 40, 41, 42: Use Kanawha, Logan, Kenova-Thacker Base Rate.

Market Areas 11, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 99, 100, 104, 105, 106, 107, 108, 109, 110, 111, 112: Use (Inner Crescent) Kanawha, Logan, Kenova-Thacker Base Rate.

Market Areas 39, 43: Use Virginia District (Southern Ry., Group 14) Base Rate.

Market Areas 44, 45, 46, 55, 56, 65: Use Harlan District Base Rate.

Market Areas 1, 1A, 2 and 3<sup>1</sup>: Elk River Coal and Lumber Co. may apply the following prices per net ton without freight absorption: Group 17, 232; Group 18, 222; Group 19, 212; Group 20, 197.

**By-Product, Retort and Water Gas—Price Index**

**BIG SANDY ELKHORN DISTRICT**

Company	Mine	Seam	Size group numbers			
			17	18	19	20
Barrowman Coal Co.	Barrowman	Clintwood	A	A	A	A
Beaver Coal Mining Co.	Beaver	Elkhorn #2	B	B	B	
Cameo Elkhorn Coal Co.	Big Shoal	Elkhorn #1	A	B	C	D
Central Elkhorn Coal Co.	#4	Elkhorn #1	A	A	C	O
Central Elkhorn Coal Co.	#6	Elkhorn #1	A	A	O	O
Clear Branch Mining Co.	Clear Branch	Elkhorn #3	A	A	A	A
Consolidation Coal Co.	#155	Millers Crk.	A	A	A	
Consolidation Coal Co.	#204 and 206	Elkhorn #3	A	A	A	
Consolidation Coal Co.	#214	Elkhorn #3	A	A	A	
Edgemont Fuel Co.	Edgemont	Elkhorn #1	A	A	A	A
Elkhorn Coal Co.	Kona #2	Elkhorn	A	A	A	A
Elkhorn Coal Corp.	#1-7	Elkhorn	A	A	A	A
Elkhorn Coal Corp.	#2	Elkhorn	A	A	A	A
Elkhorn Coal Corp.	#3-4	Elkhorn	A	A	A	A
Elkhorn Coal Corp.	#5	Elkhorn	A	A	A	A
Elkhorn Coal Corp.	#27	Elkhorn #1	A	A	A	A
Elkhorn Coal Corp.	#28-31	Elkhorn #1	A	A	A	A
Elkhorn Coal Corp.	#32	Elkhorn #1	A	A	A	A
Greenough Coal Co.	Greenough	Up. Elkhorn	A	A	A	A
Inland Steel Co.	Wheelwright	Elkhorn #3	A	A	A	A
Koppers Coal Co.	Weeksbur #1	Elkhorn #3	A	A	A	A
New Elkhorn Coal Corp.	Dorton	Elkhorn #2	O	A	A	A
Paragon Elkhorn Coll. Co.	Utilities #22	Elkhorn	A	A	A	A
Payne Baber Coal Co. of Ky.	Block & Clear Crk.	Elkhorn #3	A	A	A	A
Stephens Elkhorn Fuel Corp.	Stephens	Elkhorn #2	A	A	A	A
Superior Mining Co.	Superior	Elkhorn #3	B	A	A	A
Turner Elkhorn Mng. Co.	Turner	Elkhorn #2	A	A	A	A
Twinsbeam Elkhorn Mng. Co.	Turner #2	Elkhorn #1	A	B	C	D
United Elkhorn Coal Co.	United #21	Elkhorn	B	B	O	O
Utilities Elkhorn Coal Co.	Virgie 6-F	Elkhorn	A	A	B	B
Utilities Elkhorn Coal Co.	Martin 8-H	Elkhorn	A	B	C	C

<sup>1</sup> Correction.

## FEDERAL REGISTER, Wednesday, December 22, 1937

## By-Product, Retort and Water Gas—Price Index—Continued

## HARLAN DISTRICT

Company	Mine	Seam	Size group numbers			
			17	18	19	20
Bardo Coal Mining Company	Bardo	Harlan	A	B	C	C
Berger Coal Mining Company	Silver Star	#5	A	A	A	A
Black Mountain Corp.	Black Mountain #30	#5	A	A	A	A
Black Mountain Corp.	Black Mountain #31	#5	A	A	A	A
Black Star Coal Company	Black Star	Harlan	A	B	C	G
Blue Diamond Coal Company	Crown	Harlan	A	B	B	B
Clover Fork Coal Company	Clover Fork	Harlan	A	B	B	B
Clover Splint Coal Company	Clover Splint	High Splint	A	A	A	A
Cook & Sharpe Coal Company	Upper Harlan	#5	A	A	A	A
Cornett-Lewis Coal Company	Cornett	Harlan	A	C	C	D
Cornett-Lewis Coal Company	Creech	Wallins	A	B	B	C
Creech Coal Company	Crummies #1	Harlan	A	B	B	B
Crummies Creek Coal Company	Crummies #2 & #3	#5	A	B	B	A
Crummies Creek Coal Company	Kentucky King	Wallins	A	B	B	B
Good Coal Company	Harlan Central Coal Company, Inc.	Harlan Central	A	B	B	B
Harlan Collieries Company	Brookside	Harlan	A	C	C	D
Harlan Crown Mng. Company	Draper	Harlan	A	B	C	C
Harlan Fuel Company	Yancey	Harlan	A	B	C	C
Harlan-Wallins Coal Corporation	Bear Branch	Harlan	A	B	C	C
Harlan-Wallins Coal Corporation	Darby	#5	A	A	A	A
Harlan-Wallins Coal Corporation	Dixie	#5	A	A	A	A
Harlan-Wallins Coal Corporation	Marathon	#5	A	A	A	A
Harlan-Wallins Coal Corporation	Molus	Harlan	A	B	B	B
High Splint Coal Company	Hi-Lo	High Splint	A	A	A	O
Kentucky Cardinal Coal Corp.	#1	Harlan	A	B	B	B
Mahan Ellison Coal Corp.	Mahan Ellison #1	Harlan	A	C	C	C
Mary Helen Coal Corporation	Mary Helen	Harlan	A	B	B	C
Perkins Harlan Coal Company	Liggett	Harlan	A	B	C	C
Ridgeway Coal Corp., Inc.	Ridgeway	Harlan	A	B	C	C
Southern Harlan Coal Company	Southern Harlan	Harlan	A	B	B	B
Southern Mining Company	Insul	Creech	A	B	B	B
Splint Coal Corporation	Splint	High Splint	A	A	A	A
Three Point Coal Corporation	Three Point	Harlan	A	B	B	B
Tway Coal Company, R. C.	Tway	Harlan	A	B	B	C
U. S. Coal & Coke Company	#30	"C"	A	A	A	A
U. S. Coal & Coke Company	#31	"C"	A	A	A	A
Wisconsin Steel Company	#1	"C" & "B"	A	A	A	A

## HAZARD DISTRICT

Algoma Block Coal Co.	Algoma #7	Hazard #7	C	C	C	
Blue Diamond Coal Co.	Blue Diamond #1	" #6	C	C	C	
Carrs Fork Coal Co., Inc.	" #7	C	C	C	C	
Hardy-Burlingham Mng. Co.	" #7	C	C	C	C	
Harvey Coal Corp.	" #6	C	C	C	C	
Hatfield-Camp. Crk. C. Co.	" #7	C	C	C	C	
Kenmont Coal Co.	Kenmont	" #7	C	C	C	
Ky. Hayslen C. Co.	Hayslen	" #6	C	C	C	
New Solar C. Co.	Butterfly	" #6	C	C	C	
Old King. Mng. Co.	Midland	" #7	C	C	C	
Perkins-Bowling C. Corp.	Agnes	" #7	O	O	C	

## KANAWHA DISTRICT

American Eagle Coll.	#70	Eagle	A	A	A	A
Anchor C. Company	Anchor #1 & #3	Dorothy	A	A	A	C
Armeo Coal Mining Corporation	Marting	Campbells Crk	A	B	C	C
Black Band C. Company	Reynolds	Black Band	A	A	A	D
Boone County Coal Corporation	Boone #2	Chilton	A	A	A	A
Cannelton C & C Company	#3	Eagle	A	A	A	C
Cannelton C & C Company	#5	#2 Gas	A	A	A	C
Carbon Fuel Co., The	#5 & #10	Dorothy	A	A	A	A
Carbon Fuel Co., The	#9	Powellton	A	A	A	A
Carbon Fuel Co., The	#11	Dorothy	A	A	A	A
Christian Coll. Co.	#1	Eagle	A	A	A	A
Christian Coll. Co.	#2	Rowellton	A	A	A	A
Colcord Coal Co.	Montcoal #1	Dorothy	A	A	A	A
Colcord Coal Co.	Montcoal #2	Dorothy	A	A	A	A
Elk River Coal & Lumber Co.	Rich Run	Rich Run	A	B	C	D
Hatfield-Campbell Crk. C. Co.	#4	#5 Block	A	B	C	B
Imperial Coll. Co.	#2	#2 Gas	A	A	A	A
Imperial Coll. Co.	#5	#2 Gas	A	A	A	A
Kan. & Hocking C & C Company	#114	Dorothy	A	A	A	C
Kan. & Hocking C & C Company	#116	#2 Gas	A	A	A	C
Kingston-Poca C. Company	Kingston	Eagle	A	A	A	A
Koppers Coal Company	Powellton #2	Eagle & Pow'l	A	A	A	A
Koppers Coal Company	Powellton #3	Powellton	A	A	A	A
Koppers Coal Company	Powellton #5	Powellton	A	A	A	A
Milburn By-Prod. C. Company	Wharton	Hornshaw	A	A	A	A
Nellis Coal Corporation	Milburn #1 & #2	Eagle & Pow'l	A	A	A	B
Princess Dorothy Coal Co.	Nellis	Campbells Crk	A	B	B	B
Raleigh Wyoming Mng. Company	#4	#5 Block	A	A	A	A
Raleigh Wyoming Mng. Company	Edwight #1	Dorothy	A	A	A	A
Raleigh Wyoming Mng. Company	#3	Eagle	A	A	A	C
Ridgeview Coal Company	Ridgeview	Eagle	A	B	C	C
Riverton Coal Company	Riverton	Belmont	A	C	C	B
Riverton Coal Company	Riverton	Cedar Grove	C	C	C	
Riverview C. Mng. Company	Coalburg	Stockton-Lewiston	C	C	C	
Truax-Traer Coal Company	Acme	Dorothy	A	A	A	
Truax-Traer Coal Company	Raccoon	Dorothy	A	A	A	
Truax-Traer Coal Company	Rose	Dorothy	A	A	A	

<sup>1</sup> For shipment into Market Areas 1, 1A, 2 and 3 only, Elk River Coal and Lumber Company may apply special schedule shown under exceptions to By-Product, Retort and Water Gas schedule.

## By-Product, Retort and Water Gas—Price Index—Continued

## KANAWHA DISTRICT—Continued

Company	Mine	Seam	Size group numbers			
			17	18	19	20
Truax-Traer Coal Company	United	Dorothy	A	A	A	
Webb Coal Mining Company	Webb	Dorothy	A	A	A	
Whitesville Mining Company	Whiteville	Powellton	A	A	A	
Winifrede Coll.	#1	Winifrede	A	A	A	A
Winifrede Coll.	#2	Winifrede	A	A	A	
Wyatt Coal Company	Laing #1	Dorothy	A	A	A	
Wyatt Coal Company	Laing #2	Dorothy	A	A	A	

## LOGAN DISTRICT

Amherst Coal Company	Amherst #1	Chilton	O	O	O	
Amherst Coal Company	Amherst #2	Eagle	O	O	O	E
Amherst Coal Company	Amherst #3	Cedar Grove	O	O	O	E
Avis Eagle Coal Co.	Avis Eagle	Eagle	B	B	B	A
Berland Coal Co.	Berland	Eagle	B	B	B	A
Buffalo Chilton Coal Co.	Buffalo #1	Chilton	O	O	O	A
Clean Eagle C. Company	Clean Eagle	Eagle	B	B	B	A
George Creek Coal Company	George Creek	Argyle	A	B	C	D
Hutchinson Coal Company	Hutchinson	Dabney	B	B	B	C
Hutchinson Coal Company	Hutchinson	MacBeth	B	B	B	B
Logan County Coal Corporation	Logan	Lundale	O	O	O	C
Logan County Coal Corporation	Logan	Mac Gregor	A	B	O	D
Lorado Coal Mining Co., The	Lorado #1	Lorado	O	O	O	E
Lorado Coal Mining Co., The	Lorado #2	Chilton				A
McCall Coal Company	McCall #2	Powellton				A
Mallory Coal Company	Mallory #2	Eagle				A
Mallory Coal Company	Mallory #3	Eagle				A
Mallory Coal Company	Mallory #4	Powellton				A
Mallory Coal Company	Mallory #5	Powellton				A
Monitor C. & Coke Company	Monitor	Eagle				A
Utilities Coal Company	#61	Eagle				A
West Virginia C. & C. Company	Earling	Eagle				B
West Virginia C. & C. Company	#19	Island Creek	O	O	O	B
Wood Coal Company	Freeze Fork	Chilton				D
Youngstown Mines Corp., The	Dehue	Eagle				A

## SOUTHERN APPALACHIAN DISTRICT

Barker Str. Creek Coal Mng. Co.	Barker	Str. Creek	A	A	B	
Black Diamond Coal Mng. Co.	Marion	Jelllico	A	A	B	
Blue Diamond Coal Co.	Eagan	Jelllico	A	A	B	
Blue Diamond Coal Co.	Westbourne	Jelllico	A	A	B	
Bon Jellico Coal Co.	Bon Jellico	Jelllico	A	A	B	
Broyles Jellico Coal Co.	Broyles Jellico	Jelllico	A	A	B	
Cleage-Wills Coal Co., Inc.	Cleage-Wills	Jelllico	A	A	B	
Clinchmore Coal Mng. Co.	Clinchmore	Pee Wee	A	A	A	
Engine Coal Co., Inc.	Pineville	Str. Creek	A	A	B	
Fork Mt. Coal Co.	Regal	Pee Wee	A	A	B	
Fox Ridge Coal & Coke Co.	Fox Ridge	Str. Creek	A	A	B	
Fox Ridge Coal & Coke Co.	Hanby	Str. Creek	A	A	B	
Gatlift Coal Co.	Gatlift	Jelllico	A	A	A	
High Point Coal Co.	No. 1	Pee Wee	A	A	A	
Ky. Str. Creek Coal Co.	Adalia	Str. Creek	A	A	B	
Ky. Str. Creek Coal Co.	Belva	Str. Creek	A	A	B	
Mahan Jellico Coal Co.	Mahan Jellico	Jelllico	A	A	B	
New Jellico Coal Co.	Blue Rose	Jelllico	A	A	B	
Pioneer Coal Co.	Pioneer	Str. Creek	A	A	B	
Pruden Coal & Coke Co.	Valley Creek #4	Jelllico	A	A	B	
Southern Coll. Inc.	Southern Coll.	Pee Wee	A	A	A	
Southern Mining Co.	Balkan	Creech	A	B	B	C
South Land Coal Corp.	South Land	Str. Creek	A	A	B	
Straight Creek Coal, Inc.	Cary	Str. Creek	A	A	B	
Sun Coal Co.	Sun	Pee Wee	A	A	B	
Tennessee-Jellico Coal Co.	Anthras	Jelllico	A	A	B	
Virginia-Jellico Coal Co., Inc.	King Mountain	Jelllico	A	A	B	

## VIRGINIA DISTRICT

Benedict Coal Corp.	Benedict #7	#7	A	O	O	
Benedict Coal Corp.	Virglow	#12	A	A	A	
Blackwood Coal & Coke Co., Inc.	Pardes	High Splint	A	A	A	
Blue Diamond Coal Co.	Bonny Blue	#9 and #10	A	O	O	
Blue Diamond Coal Co.	Mayflower	H. & L. Splint	A	A	A	
Clinchfield Coal Corp.	#7	Upper Banner				
Clinchfield Coal Corp.	#9	Kem Gem	A	B	B	
Kemmerer Gem Coal Co.	Splash Dam	Splashdam	A	A	A	
Splash Dam Coal Corp.	Lonesome Branch	Splashdam	A	A	A	
Splash Dam Smokeless Coal Corp.	Derby	Taggart	A	A	A	
Stonega Coal & Coke Co.	Derby	Marker	A	A	A	
Stonega Coal & Coke Co.	Dunbar	Marker	A	A	A	
Stonega Coal & Coke Co.	Roda	Taggart	A	A	A	
United Coll., Inc.	Dominion	#5	A	B	B	
Va. Iron Coal & Coke Co.	Imperial	#6 and #7	A	C	C	
Va. Iron Coal & Coke Co.	Monarch	#5	A	B	B	
Va. Lee Co., Inc., The	Va-Lee	#5	A	B	B	B
Wise Coal & Coke Co.	Dorchester	Blair & Dorch	A	B	B	A

## FEDERAL REGISTER, Wednesday, December 22, 1937

## By-Product, Retort and Water Gas—Price Index—Continued

## WILLIAMSON DISTRICT

Company	Mine	Seam	Size group numbers			
			17	18	19	20
Allburn Collieries Company	Allburn	Alma	C	C	C	E
Alma Fuel Company	Alma	Alma	C	C	C	E
Big Creek-Winifrede Coal Co.	Big Creek	Winifrede	A	A	A	
Borderland Collieries Co.	Borderland #1	Winifrede	A	A	A	
Buchanan By-Product Coal Corp.	Clintwood	Clintwood				A
Buchanan County Coal Corp.	Buchanan #1	Clintwood				A
Buchanan County Coal Corp.	Buchanan #2	Clintwood				A
Buchanan Smk. C. Co., Inc.	Buchanan Smk	Clintwood				A
Buffalo Winifrede C. Co.	Buffalo	Winifrede	A	B	C	
Conoway Coal Corp.	Conoway	Clintwood				A
Crystal Block Coal & Coke Co.	#1	Winifrede	A	A	A	
Crystal Block Mining Co.	Gates	Winifrede	A	A	A	
Eastern Coal Corporation	Hardy #1 and #11	Pond Creek	C	C	C	E
Eastern Coal Corporation	Stone #3	Pond Creek	C	C	C	E
Eastern Coal Corporation	MacVeigh #7	Pond Creek	C	C	C	E
Emperor Coal Company	Freeburn	Freeburn-A'lna	C	C	C	C
Glen Alum Coal Company	Glen Alum	Glen Alum	C	C	C	
Harman Coal Corp., H. E.	Harman	Bull Creek	C	C	C	
Home Creek Smk. C. Co., Inc.	Home Creek	Clintwood				A
Isaban Coal Company	Hardy	Pond Creek	C	C	C	C
Leckie Collieries Company	Aflex	Freeburn	C	C	C	
Lynn Camp Coal Company	Lynn Camp	Clintwood				A
Majestic Collieries Company	Majestic	Pond Creek	C	C	C	C
New Alma Coal Company	New Alma	Alma	C	C	C	B
Octavia Coal Mining Corp.	Octavia	Pond Creek	C	C	C	C
Panther Coal Company, Inc.	Roseann	Clintwood				A
Puritan Coal Corporation	Puritan #2	Winifrede	A	A	A	
Red Jacket Coal Corporation	#6	Alma	C	C	C	B
Sycamore Coal Company	Cinderella	Winifrede	A	A	A	
Tierney Mining Company	Tierney	Pond Creek	C	C	C	C
Virginia Lee Coal Corporation	Virginia Lee	Clintwood				A

[F. R. Doc. 37-3732; Filed, December 21, 1937; 11:38 a. m.]

## [Order No. 165]

AN ORDER MODIFYING ORDER NO. 101, AS MODIFIED BY ORDER NO. 114, AND SUPPLEMENTING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER THIRTEEN, BY ADDING THERETO A SUPPLEMENTAL SCHEDULE OF PRICES, TO BE KNOWN AS "SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1—DISTRICT NO. 13"

The National Bituminous Coal Commission having by its Order No. 101, as modified by Order No. 114, determined and established the minimum prices of coals of code members produced within District Number Thirteen, as set forth in "Price Schedule No. 1—District No. 13", as supplemented by "Supplement No. 1," and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid schedule and supplement by a further supplement as hereinafter provided:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District Number Thirteen, established in "Price Schedule No. 1—District No. 13", as supplemented by "Supplement No. 1 to Price Schedule No. 1—District No. 13", are hereby further supplemented as set forth in "Supplement No. 2 to Price Schedule No. 1—District No. 13", filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices, as shown in said Supplement No. 2, shall be and hereby are determined and established as the minimum prices of coals of code members within District Number Thirteen, and shall be effective at 12:01 o'clock A. M., on the fifth day of January, 1938.

2. That said order No. 101 as modified by Order No. 114, and as modified herein, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this order and "Supplement No. 2 to Price Schedule No. 1—District No. 13" to the Consumers' Counsel;

the Secretaries of the Bituminous Coal Producers' Boards for the Districts within Minimum Price Area One; to code members within District Number Thirteen; shall cause copies of this order and said Supplement No. 2 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all statistical bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

SUPPLEMENT NO. 2 TO PRICE SCHEDULE NO. 1—DISTRICT NO. 13

Supplemental Schedule of Minimum Prices for By-Product Coals of Code Members Produced within District No. 13, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M., January 5, 1938.

Issued December 20, 1937.

F. W. McCULLOUGH, Secretary.

Alabama Mines—Prices in Cents per Net Ton of 2,000 Pounds For Shipment Into All Market Areas—Special By-Product Coals

SIZE GROUPS—4 TO 9, INCLUSIVE

Ref.	Mine	Price
165	Bradford	290
166	Thermal	290
163	Empire	280
164	Summit	280
155	Boothton	270
161	Carbon	265
153	Bloomsburg "E"	255
146	Johns	255
148	Porter	240
124	Prairie	235
119	Colta	235
123	Powhatan	225
122	Labuco	225
117	Lewisburg	225
115	Hull	215

[F. R. Doc. 37-3733; Filed, December 21, 1937; 11:38 a. m.]

[Docket No. 57-FD]

At a Regular Session of the National Bituminous Coal Commission Held at its offices in Washington, D. C., on the 20th day of December, 1937.

**INVESTIGATION OF THE NATURE AND EXTENT OF TRANSACTIONS IN INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF KENTUCKY AND THE EFFECT OF SUCH TRANSACTIONS ON INTERSTATE COMMERCE IN SUCH COAL**

It appearing that by Orders Nos. 2<sup>1</sup> and 40,<sup>2</sup> the Commission, upon its own motion entered into and conducted an investigation under the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of Kentucky and the effect of such transactions upon interstate commerce in such coal; and

It further appearing that reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having on the 20th day of December, 1937, adopted the Examiner's report and recommendations as its own, which said report is hereby referred to and made a part hereof;

Now, therefore, It is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in the State of Kentucky directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between localities in Kentucky in such intrastate commerce on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasonable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

*Therefore, it is further ordered:*

1. That on and after the 3rd day of January, 1938, all bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Kentucky, shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code, as promulgated by the Commission and made effective on the 21st day of June, 1937, and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of Kentucky.

2. That any producer of bituminous coal in intrastate commerce within the State of Kentucky, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Sections 4 and 4-A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4-A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of Kentucky, who is not upon the date of this Order a member of the Bituminous Coal Code, by mailing, within five (5) days from this date, a copy of this Order, together with three (3) copies of the Form of Code Acceptance and rules prescribed by the Commission for filing acceptances, and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of Kentucky known to produce bituminous coal, publication thereof to be made three (3) times within fourteen (14) days from the date of this Order.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 37-3727; Filed, December 21, 1937; 11:36 a. m.]

[Docket No. 103-FD]

**IN THE MATTER OF PETITION OF ASSOCIATION OF AMERICAN RAILROADS, THE AMERICAN SHORT LINE RAILROAD ASSOCIATION, FOR THEIR MEMBERS, AND CONSUMERS' COUNSEL OF THE NATIONAL BITUMINOUS COAL COMMISSION, FOR AND ON BEHALF OF SAID ASSOCIATIONS, AND THEIR MEMBERS**

**ORDER AND NOTICE FOR HEARING**

The petitioners above named having filed with the commission on the 13th day of December, 1937, a petition complaining against the minimum prices for railroad locomotive fuel coals of code members produced within Districts Nos. 1 to 13, inclusive, as established by the Commission by Orders Nos. 89<sup>1</sup> to 101,<sup>2</sup> inclusive, as amended and revised by subsequent orders, a copy of said petition being on file and available for inspection by interested parties in each of the Statistical Bureaus of the Commission within Districts 1 to 13, inclusive, and at the office of each District Board within said districts:

It is ordered that a hearing on said petition be held before the Commission, on the 10th day of January, 1938, at the hour of 10:00 A. M., at the Hearing Room of the Commission in Washington, D. C., at which time all interested parties shall be afforded opportunity to be heard.

The Secretary of the Commission is directed, forthwith, to mail a copy of this order and notice to each petitioner; to the Secretary of each District Board of Districts Nos. 1 to 13, inclusive; and to each code member in Districts Nos. 1 to 13, inclusive; and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission for Districts Nos. 1 to 13, inclusive, and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 20th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 37-3731; Filed, December 21, 1937; 11:38 a. m.]

**DEPARTMENT OF AGRICULTURE.**

Agricultural Adjustment Administration.

NCR—B-101—Tama County, Supplement No. 2

**1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION, TAMA COUNTY, IOWA**

**TAMA COUNTY BULLETIN NO. 101—SUPPLEMENT NO. 2**

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Tama County Bulletin No. 101<sup>3</sup> is hereby amended as follows:

1. Part IV, Section 5, paragraph (b) is amended to read as follows:

(b) If the acreage of any noncropland planted to a crop other than a crop listed in Section 2 of Part III on any farm with respect to which a person is owner or operator,

<sup>1</sup> 2 F. R. 2992 (DI).

<sup>2</sup> 2 F. R. 3079 (DI).

<sup>3</sup> 2 F. R. 854 (DI).

is in excess of the total conserving acreage on such farm, a deduction will be made from any payment which would otherwise be made to such person with respect to any farms in Tama County in an amount computed by multiplying each acre of such excess by \$3.70 (multiplied by the productivity index for the farm) and then by multiplying the result so obtained by the percentage determined for such person for such farm under Section 4 of this Part IV.

2. Part IV, Section 9 is amended to read as follows:

SEC. 9. *Association Expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any farm in Tama County, all of such person's pro rata share of the estimated total administrative expenses incurred and to be incurred by the Association of such county in cooperating in carrying out the Soil Conservation and Domestic Allotment Act, or 10 percent of the gross payment computed for such person, whichever is smaller. Such pro rata share shall be determined by multiplying the total payments computed for such person with respect to any farms in Tama County by the percentage that the estimated total of administrative expenses of the Association for Tama County as approved by the North Central Division for 1937 is of the total payments estimated by the North Central Division which will be made with respect to farms in Tama County in 1937. There shall be credited for the payment of administrative expenses of the Tama County Agricultural Conservation Association the amount of administrative expenses estimated by the North Central Division to have been incurred by the Tama County Association during the period January 1, 1937, to March 15, 1937, inclusive, in planning the 1937 Agricultural Conservation Program for Tama County provided, however, that no credit shall be allowed for expenses incurred after the referendum in Tama County. There shall also be credited to the Tama County Agricultural Conservation Association the amount obtained by multiplying \$2.00 by the number of applications for payment estimated by the North Central Division under which the gross payment prior to the deduction of any administrative expenses, will be \$20.00 or less or under which there will be no payment. As provided in the Articles of Association, as amended, any person who previously has not become a member of the Tama County Agricultural Conservation Association shall become a member thereof by his signing an application for payment with respect to his farms in Tama County.

The provisions of this Supplement No. 2 to North Central Region Bulletin No. 101, Tama County<sup>1</sup> shall be effective as of October 14, 1937, so as to be included within the conditions mentioned in the "Order Increasing the Allowances, Deductions, and Rates of Payment under the 1937 Agricultural Conservation Program in the East Central, Northeast, North Central, Southern, and Western Regions" issued October 14, 1937.

In testimony whereof H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 20th day of December, 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-3738; Filed, December 21, 1937; 12:39 p. m.]

Issued December 20, 1937.

DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGAR BEETS AND SUGARCANE DURING THE CROP YEAR 1937

Whereas Section 301 of the Sugar Act of 1937 authorizes the Secretary of Agriculture to make payments upon certain con-

ditions with respect to sugar or liquid sugar commercially recoverable from the sugar beets or sugarcane grown on a farm for the extraction of sugar or liquid sugar, and

Whereas subsection (e) of section 301 of the said act provides, as one of the conditions for payment, as follows:

That there shall be carried out on the farm such farming practices in connection with the production of sugar beets and sugarcane during the year in which the crop was harvested with respect to which a payment is applied for, as the Secretary may determine, pursuant to this subsection, for preserving and improving fertility of the soil and for preventing soil erosion, such practices to be consistent with the reasonable standards of the farming community in which the farm is situated.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, do hereby determine:

1. That the condition prescribed in subsection (e) of section 301 of the said act shall be deemed to have been fulfilled with respect to the production of the 1937 crop of sugar beets and sugarcane for sugar on any farm on which there have been carried out such farming practices prescribed under the 1937 Agricultural Conservation Program as would have qualified such farm for at least one-half of the maximum payment which could have been made with respect to sugar beets or sugarcane for sugar under such program; provided, however, that for any farm that did not have in 1937 an acreage of soil conserving crops on land customarily used in rotation with sugar beets equal to at least 20% of the acreage of sugar beets planted for harvest in 1937, the following acreages of the following practices shall be deemed to be equal to an acre of soil conserving crops and the number of acres so obtained shall, in computing the total, be added to the 1937 acreage of soil conserving crops:

(a) Five acres of sugar beets grown on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936;

(b) Two acres of green manure or cover crops turned under immediately preceding the planting of the sugar beets or planted immediately following the harvest of sugar beets and turned under after ninety days unpastured growth, in states where such practice is prescribed in the 1937 Agricultural Conservation Program; or

(c) Two and one-half acres of sugar beets grown in 1937 on land devoted to perennial or biennial legumes in 1936, in states where such practice is prescribed in the 1937 Agricultural Conservation Program.

2. That the condition prescribed in subsection (e) of section 301 of the said act shall be deemed to have been fulfilled with respect to the production of the 1937 crop of sugar beets for sugar on any farm on which an amount of superphosphate is applied during 1937 to not less than thirty-three and one-third percent of the acreage planted to sugar beets for harvest in 1937 at a rate per acre of not less than 50 pounds of available P.O.

This determination supersedes the determination entitled "Determination of a Farm Pursuant to Subsection (b) of Section 304 of the Sugar Act of 1937, and Determination of Farming Practices to be Carried Out in Connection With the Production of Sugar Beets and Sugarcane During the Crop Year 1937, Pursuant to Subsection (e) of Section 301 of the Sugar Act of 1937," dated September 20, 1937,<sup>1</sup> insofar as that determination relates to farming practices carried out in connection with the production of sugar beets and sugarcane for sugar during the crop year 1937.

Done at Washington, D. C., this 20th day of December, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary.

[F. R. Doc. 37-3739; Filed, December 21, 1937; 12:39 p. m.]

<sup>1</sup> 2 F. R. 1505 (DI).

<sup>1</sup> 2 F. R. 2195 (DI).

## Bureau of Entomology and Plant Quarantine.

B. P. Q.—359 (Supplement No. 3)

December 20, 1937

SUPPLEMENT NO. 3 TO INSTRUCTIONS TO INSPECTORS ON THE TREATMENT OF NURSERY PRODUCTS, FRUITS, VEGETABLES, AND SOIL, FOR THE JAPANESE BEETLE, PURSUANT TO NOTICE OF QUARANTINE NO. 48

Section II of Circular B. P. Q.—359 entitled, "Instructions to Inspectors on the Treatment of Nursery Products, Fruits, Vegetables, and Soil, for the Japanese Beetle," is further supplemented as follows:

## II. TREATMENT OF SOIL ABOUT THE ROOTS OF PLANTS

## G. Fumigation of Strawberry Plants for Japanese Beetle Larvae

The treatment outlined herein may be employed as a basis for certification of strawberry plants under regulation 6 of Quarantine No. 48 (twelfth revision).

Fumigation with methyl bromide at a dosage of 3 pounds per 1,000 cubic feet, including the space occupied by the strawberry plants, for a period of 4 hours, the plants and room to be at a temperature of not less than 60° F. during the fumigation period. The treatment is to be applied in a tight room with gas-tight doors, and the strawberry plants shall be piled loosely in open crates or baskets and stacked in the room so that the gas mixture can have access to all sides of the container. After the room is loaded and closed the dosage of methyl bromide shall be volatilized within the room. The air-gas mixture shall be circulated by means of a fan or blower throughout the entire 4-hour fumigation period, and the treatment is to be applied in a fumigation chamber of approved design and under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

In authorizing the movement of strawberry plants fumigated according to the requirements stated above, it is to be understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury resulting to the strawberry plants.

*Caution.*—Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of strawberry plants. It is a poison, and the operator should use an approved gas mask when exposed to the gas at concentrations used in fumigation. The strawberry plants in the fumigation chamber should be well aerated by blowing air through them and by ventilating the house before it is entered and the plants removed.

[SEAL]

AVERY S. HOYT,  
Acting Chief, Bureau of Entomology  
and Plant Quarantine.

[F. R. Doc. 37-3737; Filed, December 21, 1937; 12:39 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 173]

## ALLOCATION OF FUNDS FOR LOANS

DECEMBER 20, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Wisconsin 3014B Oconto.	\$17,000

JOHN M. CARMODY, Administrator.

[F. R. Doc. 37-3724; Filed, December 21, 1937; 9:54 a. m.]

[Administrative Order No. 174]

## AMENDMENT OF ALLOCATION OF FUNDS FOR LOANS

DECEMBER 20, 1937.

I hereby amend Administrative Order No. 100<sup>1</sup> by transferring the \$35,000 allotted Virginia 28G Lancaster to Virginia 28B Lancaster inasmuch as the funds will be used to construct distribution lines in place of a generating plant.

JOHN M. CARMODY, Administrator.

[F. R. Doc. 37-3725; Filed, December 21, 1937; 9:54 a. m.]

[Administrative Order No. 175]

## AMENDMENT OF ALLOCATION OF FUNDS FOR LOANS

DECEMBER 20, 1937.

I hereby amend Administrative Order No. 116<sup>2</sup> by rescinding the \$200,000 allotted to Minnesota 70G Hennepin inasmuch as the funds will not be needed to construct a generating plant.

JOHN M. CARMODY, Administrator.

[F. R. Doc. 37-3726; Filed, December 21, 1937; 9:54 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

## SECURITIES EXCHANGE ACT OF 1934

## AMENDMENT OF RULE LA7

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 14 (a) and 23 (a) thereof, hereby takes the following action:

Rule LA7 is amended to read as follows:

**RULE LA7. Effect of Violation.**—Subject to the proviso below, nothing in the rules or regulations promulgated by the Commission pursuant to Section 14 of the Securities Exchange Act shall be construed to prescribe or limit the authority of the holder or holders of any proxy, consent or authorization, and failure to comply with such rules and regulations shall not invalidate any action taken pursuant to a proxy, consent or authorization: Provided, however, that this rule shall not be construed to prevent the granting of injunctions in any proper proceedings, or to exempt any person from any of the penalties or prohibitions provided by the Act in respect of violations of the Act or any rules or regulations thereunder.

The foregoing action of the Commission shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3740; Filed, December 21, 1937; 12:48 p. m.]

United States of America—Before the Securities  
and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of December, A. D. 1937.

[File No. 31-174]

IN THE MATTER OF THE APPLICATION OF GENERAL ELECTRIC  
COMPANY, ELECTRICAL SECURITIES CORPORATION, G. E. EM-  
PLOYEES SECURITIES CORPORATION

## NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, having been duly filed

<sup>1</sup> 2 F. R. 1066 (DI).<sup>2</sup> 2 F. R. 1494 (DI).

with this Commission by General Electric Company, Electrical Securities Corporation and G. E. Employees Securities Corporation for exemption as holding companies from the provisions of this Act.

*It is ordered.* That a hearing on such matter be held on January 6, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered.* That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 3, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3742; Filed, December 21, 1937; 12:48 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of December A. D., 1937.

[File No. 30-63]

IN THE MATTER OF THE APPLICATION OF ALBERT D. BROKAW, A. FAISON DIXON, AND H. HARPER MCKEE, A PARTNERSHIP DOING BUSINESS UNDER THE NAME OF BROKAW, DIXON AND MCKEE

ORDER OF THE COMMISSION

Albert D. Brokaw, A. Faison Dixon, and H. Harper McKee, a partnership doing business under the name of Brokaw, Dixon and McKee, a registered holding company, having made application, pursuant to Section 5 (d) of the Public Utility Holding Company Act of 1935, for an order declaring that it has ceased to be a holding company; notice and opportunity for hearing on said application having been duly given;<sup>1</sup> the record in this matter having been duly considered; and the Commission having thereupon entered its findings and opinion on such application;

*It is ordered.* That Albert D. Brokaw, A. Faison Dixon and H. Harper McKee, a partnership doing business under the name of Brokaw, Dixon and McKee, has ceased to be and, at this time, is not a holding company. This order shall be effective as of the 18th day of December 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-3741; Filed, December 21, 1937; 12:48 p. m.]

<sup>1</sup> 2 F. R. 2433 (DI).